

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:

MIA NICOLE COLON REYES

DEBTOR

FIRST BANK PUERTO RICO

MOVANT

V.

MIA NICOLE COLON REYES  
JOSE RAMON CARRION MORALES, ESQ.  
CHAPTER 13 TRUSTEE

RESPONDENTS

CASE NO 19-04138 BKT

CHAPTER 13

**DEBTOR'S RESPONSE TO MOTION FOR RELIEF OF THE AUTOMATIC STAY  
DOCKET NO. 25**

**TO THE HONORABLE COURT:**

**NOW COMES, MIA NICOLE COLON REYES**, the Debtor, through the undersigned attorney, and very respectfully states and prays as follows:

1. On December 30, 2019, First Bank Puerto Rico ("First Bank") filed a motion for relief of the automatic stay in the present bankruptcy case, Docket No. 25, alleging that the Debtor is in arrears in the post-petition direct car loan payments to said creditor in four monthly installments or the sum of \$2,200.80.

2. The Debtor respectfully states that on November 01, 2019, the Debtor filed a proposed *Amended Chapter 13 Plan*, Docket No. 20, to provide for the pre-petition arrears owed to First Bank, as per Claim No. 1-1 in the sum of \$1,100.40 and to provide for two

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(2) post-petition arrears in the direct car loan payments to First Bank, or the sum of \$1,100.40.

3. That First Bank did not object to the Debtor's proposed *Amended Chapter 13 Plan*, Docket No. 20. The Court scheduled a confirmation hearing for February 13, 2020, in the above captioned case.

4. That on December 05, 2019, the Debtor made a direct post-petition car loan payment to First Bank in the sum of \$524.00 and that on December 19, 2019 the Debtor made a second direct post-petition payment to First Bank in the sum of \$524.00.

5. That in its 362 motion, First Bank alleges that "...as of November 25, 2019 debtor had already more post-petitions than the one admitted under the proposed plan." See: *Motion for Relief of Stay*, page 01, at paragraph number 4, Docket No. 25.

6. That it appears that First Bank failed to admit that as of December 30, 2019, the date of its 362 motion, the Debtor had paid the aforesaid two (2) direct post-petition car loan payments to First Bank.

7. It is undisputed that from the alleged four (4) post-petition arrears stated in First Bank's 362 motion, the Debtor's proposed *Amended Chapter 13 Plan* provides for two (2) post-petition arrears and the Debtor made two (2) direct post-petition payments to First Bank.

8. Thus, the Debtor is up-to date, under the terms of the proposed *Amended Chapter 13 Plan*, Docket No. 20, in the above captioned case.

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9. That the Debtor respectfully alleges that under the abovementioned circumstances, there is no “cause” to lift the stay in favor of First Bank, in the present case.

10. Based on the aforestated, the Debtor hereby respectfully requests this Honorable Court, that upon confirmation of the Debtor’s proposed *Amended Chapter 13 Plan* Docket No. 20, to deny the 362 motion requesting relief from stay filed by First Bank in the present case, Docket No. 25.

**WHEREFORE**, the Debtor respectfully requests from this Honorable Court to deny the motion for relief from stay filed by First Bank, Docket No. 25, since the post-petition car loan arrears claimed by First Bank in its 362 motion are to be paid through the Debtor’s proposed Amended Chapter 13 Plan, Docket No. 20, and directly by the Debtor, in the above captioned case.

**I CERTIFY** that on this same date a copy of this motion was filed with the Clerk of the Court using the CM/ECF filing system, which will send notification of same to all CM/ECF participants, specifically to the Chapter 13 Trustee, Jose Ramon Carrion Morales, Esq.; Maria M. Benabe Rivera, Esq., Attorney for movant FirstBank PR; I also certify that a copy of this motion was sent via regular mail to the Debtor/Respondent Mia Nicole Colon Reyes Urb ZBunker 40 Costa Rica Street Caguas PR 00725.

**RESPECTFULLY SUBMITTED.** In San Juan, Puerto Rico, this 14<sup>th</sup> day of January, 2020.

**/s/Roberto Figueroa Carrasquillo**

USDC #203614

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